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State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

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DOGM
MINERALS PROGRAM
FILE COPY

January 28, 1991

Mr. Richard W. White
9969 Beck Drive
Santee, California 92071

Dear Mr. White:

Re: Division Response to Receipt of Request For Agency Action, Aragonite Mine & Mill, M/045/031, Tooele County, Utah

This Division has completed its review of your recent Request For Agency Action application, dated January 9, 1991. The application was filed in protest of mining related activities allegedly conducted by Mr. Lon Thomas, dba Thomas American Stone, on certain patented mining claims located in Tooele County, Utah.

Pursuant to the requirements of the Administrative Procedures rules, particularly Rule R613-005-104.2.13 and -104.2.14, your submission has been found incomplete. The following requirements must be met before the application can be determined complete and formal Division/Board action initiated:

R613-005-104.2.13

- 2.13.111 The application did not identify the names and addresses of all persons to whom a copy of the Request for Agency Action was being sent.
- 2.13.114 The application did not list the complete legal authority and jurisdiction under which Division action is being requested. This section requires the petitioner to identify the specific statute and/or rule(s) that have been violated.

The petitioner did request that the Board of Oil, Gas & Mining find that Thomas American Stone has willfully evaded the Rules of the Mined Land Reclamation Act pursuant to Utah Code 40-8-9 (Evasion of Chapter or Rules-Penalties-Limitations of Actions). The application should be revised to also include the rules that were violated.

Page 2
Richard White
M/045/031
January 28, 1991

Specifically, R613-003-101 or R613-004-101 (Filing Requirements), R613-003-107 or R613-004-107 (Operation Practices), and R613-004-113 (Surety) may have been violated pursuant to Division staff inspection assessment of the Aragonite mine and mill sites.

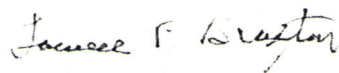
2.14 The petitioner did not use the Request for Agency Action Form that was provided by the Division on December 27, 1990.

The application did not indicate that each person having a direct interest in the requested agency action was mailed a copy of said application. The Division's Request for Agency Action Form, has a mailing certification page attached which could have been used by the petitioner to satisfy this requirement.

Before the Division or Board can act upon this application requesting an agency action, these deficiencies will need to be addressed and a revised application submitted. If you do not wish to continue in this request, please advise us accordingly at your earliest convenience.

Thank you for your cooperation and patience in finalizing this request for agency action. Please contact me or any of the minerals reclamation staff if you require further assistance in this matter.

Sincerely,



Lowell P. Braxton
Associate Director, Mining

DWH/jb
Attachment
cc: Steve Brooks, BLM
Dianne Nielson
Tom Mitchell
Minerals staff
M045031.5